

92 NAC-51 CONTRACTED PROGRAM RESOURCES

Service Agency-Program Standards Review monitoring process resources

92 NAC 51-004.01

All providers of special education services shall be under the general supervision of the Department of Education for the purpose of meeting the standards of this Chapter.

92 NAC 51-004.13

All school districts or approved cooperatives shall participate in an ongoing review of their special education programs utilizing the Improving Learning For Children with Disabilities process (ILCD).

92 NAC 51-004.14

All special education programs must comply with the requirements of state and federal law and regulation concerning the education of children with disabilities.

92 NAC 51-013

Contracted Programs

92 NAC 51-013.01

*Special education programs and support services may be provided by contracting with another school district, approved cooperative, or with a Department of Education provisionally approved service provider. **Responsibility for compliance with state and federal regulations for programs for children with disabilities remains with the school district.***

92 NAC 51-013.02F

*The school district or approved cooperative shall monitor the progress of those children for whom they have contracted. For each child contracted for services, the school district shall maintain within the school district all applicable records as follows: **a record of all referral information, notice to parents, parent notice and consent for initial evaluation, multidisciplinary evaluation team report, notification of IEP, or IFSP meeting, the individual education program (IEP), program notice and consent for initial placement, notice of change of placement or program termination, notice of student reevaluation, and other supportive data.** School districts may elect to enter into agreement with provisionally approved contract program for the proper maintenance and protection of personally identifiable data on children with disabilities.*

92 NAC 51-012.03

Final Financial Reports

92 NAC 51-012.04

A copy of the billings from the service agencies for contracted programs

92 NAC 51- 013 Contracted Programs

Special Education Service Agency Application

Service Agency and School District Responsibilities

92 NAC 51

| School District | Service Agency |
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| <p>(92 NAC 51-013.01) Compliance with all state and federal regulations remains with the school district</p> <p>(92 NAC 51-013.02)</p> <ul style="list-style-type: none"> • Develop and maintain the IEP • Participate in all IEP meetings • Assure the arrangement and involvement of parents and other required members in the IEP meetings • Contact parents about the IEP meeting • Contact the contracted program <p>(92 NAC 51-013.02A) Involved in any decisions about the IEP or IFSP</p> <p>(92 NAC 51-013.02B) Expenditures for special education contractual services shall be considered for payment of allowable costs. Claimed services were provided by contracted programs whose service(s) and rate(s) were provisionally approved by the Department of Education</p> <p>(92 NAC 51-013.02C) 45 calendar day grace period will be allowed if the program has not been provisionally approved by the Department of Education</p> <p>Notification to the program about the application and approval requirements</p> <p>(92 NAC 51-013.02C1) (92 NAC 51-013.02C2) 14 calendar day replacement grace period, if program does not seek approval. If the agency's application for approval is denied by the Department of Education, must seek and obtain placement for the child in a provisionally approved program within 14 calendar days following notification of the denial.</p> <p>(92 NAC 51-013.02C2) Costs of services provided by a contracted program which has not been granted provisional approval by the Department of Education will not be reimbursed</p> <p>(92 NAC 51-013.02D) School district and Agency enter into a contract which shall include:</p> <ul style="list-style-type: none"> • Description of the services; | <p>(92 NAC 51-013.02)</p> <ul style="list-style-type: none"> • Participate in IEP/IFSP meeting • Involved IEP/IFSP decisions <p>(92 NAC 51-013.02D) School District and Agency enter into a contract which shall include:</p> <ul style="list-style-type: none"> • Description of the services; • Names of children to be served; • Cost schedule for the services; and • NDE service code and agency code. <p>(92 NAC 51-013.03A) All service agencies contracting with school districts or an approved cooperative shall seek approval and obtain a provisionally approved rate, service code and agency code.</p> <p>(92 NAC 51-013.03C) Service agencies requesting reimbursable rates <u>exceeding</u> NDE rates shall submit:</p> <ul style="list-style-type: none"> • Personnel and their qualifications; • Cost schedules of services; • Written description of services; • Separation of sectarian education and non-sectarian education costs; • Separation of education program and residential costs; • Documentation of conformance with building codes and safety requirements <p>(92 NAC 51-013.03D) Service agencies requesting reimbursable rates <u>at or below</u> NDE rates shall submit:</p> <ul style="list-style-type: none"> • Personnel and their qualifications; • Cost schedules of services; • Written description of services; • Documentation of conformance with building codes and safety requirements <p>(92 NAC 51-013.03E) Must have on file a copy of the child's current IEP or IFSP</p> <p>(92 NAC-51-013.03F) Service provider shall provide reasonable notice to the district prior to the termination of services</p> |

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| <ul style="list-style-type: none"> • Names of children to be served; • Cost schedule for the services; and • NDE service code and agency code. <p>(92 NAC 51-013.02E) The school district or approved cooperative shall have a signed copy of contract on file.</p> <p>(92 NAC 51-013.02F) The school district or approved cooperative shall monitor the progress of those students for whom they have contracted. For each contracted child shall maintain within the district:</p> <ul style="list-style-type: none"> • Record of referral • Notice to parents • Parent notice and consent for initial evaluation • MDT evaluation report • Notification of IEP or IFSP meeting • IEP • Parent notice and consent for initial placement • Notice of change of placement or program termination • Notice of student reevaluation, and • Other supportive data <p>(92 NAC 51-013.02G) Responsibility for payment of educational costs for the placement of a child in a program when:</p> <ul style="list-style-type: none"> • Initiated placement • Has agreed to placement or • Party to a decision which requires such placement and has not been appealed or • Party to litigation resulting in a court order requiring placement <p>(92 NAC 51-013.03C) Shall pay an amount equal to the average per pupil cost of the service agency of the preceding year or the cost as agreed upon pursuant to the contract to the agency providing the educational program for each child with a disability.</p> <p>(92 NAC 51-013.03C7) For Education Service Units, a final report of expenditures which due 45 days after the service providers fiscal year end.</p> | <p>(92 NAC-51-013.03G) Service providers shall not be considered provisionally approved until the Commissioner of Education or designee grants such approval.</p> <p>(92 NAC 51-013.03H) Service providers shall be considered for provisional approval annually</p> <p>(92 NAC 51-013.03I) When residential care is required for a child to attend an education program, the education program must be approved by the Commissioner of Education or designee prior to approval for residential care.</p> |
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